

FIVE-YEAR PLAN

LOCAL AREA WORKFORCE INVESTMENT PLAN

Workforce Connection of Central New Mexico

October 2004



**WORKFORCE CONNECTION
of Central New Mexico**

A. Introduction

The Workforce Connection of Central New Mexico coordinates regional training efforts under the Workforce Investment Act (WIA) to assure the availability of high quality training opportunities that will assist workers with developing marketable skills and employers with developing their businesses with the aid of well-trained workers. These training opportunities are offered at postsecondary and other educational institutions. The programs are also available to disadvantaged individuals, including those of low-income and those with disabilities.

The major goal of Workforce Connection of Central New Mexico is to establish a coordinated employment and training system meeting employer and job seeker needs in the four-county region of Central New Mexico (including Bernalillo, Sandoval, Torrance, and Valencia Counties). This is accomplished by maintaining a One-Stop system at full service and satellite sites to guide customers to employment and training opportunities; supporting a Youth Council to oversee a provider system that assists young people in the region in completing their education and achieving initial work experience competencies; and devising means to better meet the workforce needs of area employers, thereby ensuring their full involvement in the WIA system.

Workforce Connection of Central New Mexico ensures that employment and training services are available to all job seekers, including those who may have barriers to employment such as economic disadvantage or disabilities, and provides additional supportive services as are necessary for job seekers to overcome these barriers. Services are provided to both youth and adults and include educational and training opportunities.

Improved academic, work ethic, job information and economic development efforts are emphasized. Meeting job seeker and employer needs are priorities to be monitored through performance measures and customer satisfaction. Employer outreach and business education of One-Stop services is important. The business Outreach Committee provides leadership to the full board and guidance to staff on outreach to and inclusion of employers as users of the One-Stop system.

The development area of the WCCNM encompasses several Native American Pueblo communities. This plan acknowledges that these entities are not a political subdivision of the State and are sovereign entities that have a government-to-government relationship with the State and Federal Governments (PL105-220, Workforce Investment Act of 1998, Subtitle D-National Programs, Sec. 166-Native American Programs). The programs, services and opportunities provided to these Native American communities under this plan shall be administered in a manner consistent with the principle of a government-to-government relationship and the exercise of tribal self-government.

B. WORKFORCE SYSTEM VISION

The vision of the WCCNM is of a coordinated employment and training system in the central region of New Mexico that increases employment, job retention, occupational skills and earnings of the area workforce; reduces welfare dependency; enhances productivity and competitiveness of area business and industry; and encourages lifelong learning for worker preparation and development.

C. NEEDS ASSESSMENT

1. *What are the workforce investment needs of businesses, job seekers, and workers in the local area?*

Employers have needs for:

- More qualified workers to meet the needs of high demand and growing occupations shown in Table 1 and Table 2.
- Entry-level workers with better academic and technical skills in postsecondary mathematics, computers and verbal and written communication.
- Motivated entry-level workers with a high degree of work discipline, including reliability, flexibility, ability to work in a team, a commitment to continuous learning, and leadership behavior skills.
- Better job market information on available workers, existing wage rates, and employee tax credit information.
- Economic development efforts that create jobs.
- Workers with technological skills.
- An understanding of the training and workforce needs of Native Americans.

Area job seekers have needs for:

- Formal training for targeted occupations, including generic and specific technical and behavioral skills.
- Training in job search skills including interviewing, resume writing, and job opening sources.
- Enhanced services and information that will help them obtain better medical insurance, childcare, transportation, and housing support; and that will help them overcome other barriers to full employment.
- Jobs with career ladders.

Employed workers' needs are for:

- Upgrade training and skills enhancements in their job fields.
- Additional training in life skills, work ethics, and language acquisition.
- Better information on medical insurance, dependent and child care, transportation and housing support.

2. *How will the present and future needs of employers be determined in the local area?*

The WCCNM Board of Directors has 51% of its membership that represents area business leaders. WCCNM, consequently, relies heavily on input from its board members to keep abreast of employer needs. In addition, WCCNM's Business Outreach Committee will actively solicit information on the current and future needs of employers from area businesses. Finally, labor market information available from the New Mexico Department of Labor--including county-level data on employment and demand occupations—and information from postsecondary institutions, chambers of commerce and area trade organizations will be utilized.

3. *What are the current and projected employment opportunities and job skill needs in the local area?*

The following tables indicate the New Mexico Department of Labor's projections of occupations with the greatest number of annual job openings through 2010.

Table 1^a
OCCUPATIONS WITH THE MOST ANNUAL JOB OPENINGS
Albuquerque MSA, 2000-2010

Occupation	Annual Openings
1. Sales Reps., Wholesale and Mfg, Exc. Tech. & Sci	860
2. Home Health Aides	810
3. Automotive Service Technicians and Mechanics	800
4. Fitness Trainers and Aerobics Instructors	580
5. First-line Supervisors/Managers of Retail	380
6. Clinical, Counseling & School Psychologists	320
7. Correctional Officers & Jailers	230
8. First Line Supervisors/Managers of Housekeeping & Janitorial Workers	220
9. Training and Development Specialists	170
10. Printing Machine Operators	90

Source: New Mexico Department of Labor

Table 2^b
FASTEST GROWING OCCUPATIONS, Albuquerque MSA, 2000-2010
 (Occupations with over 100 workers) % Change

Occupation	Growth
1 Computer Software Engineers, Apps.	70%
2 Social and Human Service Assistants	66%
3 Diagnostic Medical Sonographers	55%
4 Respiratory Therapy Technicians	55%
5 Spec. Ed. Teachers, Preschool, Kinder., and Elem.	54%
6 Physical Therapist Aides	53%
7 Medical Assistants	52%
8 Speech-Language Pathologists	51%
9 Art, Drama & Music Teachers, Postsecondary	50%
10 Respiratory Therapists	50%

Source: New Mexico Department of Labor

As Table 1 shows, jobs currently in demand include Sales Representatives; Home Health Aides; Automotive Service Technicians and Mechanics; Fitness Trainers and Aerobics Instructors; First-line Supervisors/Managers of Retail Sales; Clinical, Counseling and School Psychologists; Correctional Officers and Jailers; First Line Supervisors/Managers of Housekeeping and Janitorial Workers; Training and Development Specialists; and Printing Machine Operators.

^a For current and up-to-date demand occupations and county-level data, contact the New Mexico Department of Labor, Economic Research and Analysis.

^b Ibid.

In addition, as Table 2 indicates, occupations with the fastest projected growth through 2010 include Computer Software Engineers; Social and Human Service Assistants; Diagnostic Medical Sonographers; Respiratory Therapy Technicians; Special Education Teachers; Preschool and kindergarten teachers; Physical Therapist Aides; Medical Assistants; Speech-Language Pathologists; and Art, Drama & Music Teachers.

The skills required for these demand occupations range from entry level reading and math through technical training to college and postgraduate education. Generally, employability and work ethic skills are also critical.

ONE-STOP DELIVERY SYSTEM

1. *Describe the One-Stop delivery system to be established in the local area, including the number of comprehensive centers and the supplementary arrangements.*

The Workforce Investment Act (WIA) mandates that states create and maintain a One-Stop delivery system that enhances the quality of employment and training opportunities and provides other services to job seekers. The goal of the One-Stop delivery system is to coordinate programs, provide services and ensure a governance structure allows customer access to a seamless system of services. That system should include at least one center in each region that provides comprehensive employment and training services and access to other programs and activities through coordination and partnerships with organizations providing related services.

WCCNM contracts with its One-Stop operator to administer the One-Stop delivery system in the Central New Mexico service area. WCCNM has established five one-stop centers within the four-county area through which the One-Stop operator provides a range of services to customers.

At the time of this writing, the model One-Stop Center for the region is located at 501 Mountain Road NE in Albuquerque. This Center is open from Monday through Friday and offers Core, Intensive, Training, Employer, and online services. Other center locations include the Albuquerque Hispano Chamber of Commerce site in Albuquerque's Barelas neighborhood, Rio Rancho (Sandoval County), Moriarty (Torrance County), and Los Lunas (Valencia County). Each of these Centers provides Core, Intensive, Training, Employer, and online services similar to those at Mountain Road.

In addition to these sites available on a full-time basis, the One-Stop provider also offers itinerant services on a scheduled basis to area pueblos and rural

communities. On these visits, the One-Stop staff are accompanied by a representative of the youth provider and often by other partners.

2. *Describe the process used for selecting the One-Stop operator(s), including the appeals process available to entities that were not selected as the One-Stop operator(s).*

The WCCNM selects its One-Stop and youth provider based on competitive Request for Proposals. This RFP process is used to select both the One-Stop operator and, separately, the youth services provider. Proposals are received by staff, with cost proposals sealed. The proposals are read and reviewed by a committee determined in advance of receipt of proposals. This committee develops a process for review, ranking and making its recommendations. The recommendations are then made to the Executive Committee. The Executive Committee makes its recommendation to the full board.

The RFP process includes a standard appeals process available to entities not selected which requires WCCNM to provide a response to any inquiry within ten days of receipt of the inquiry.

3. *Describe corrective action that the local board will take, as applicable, with One-Stop operators and/or providers of services.*

WCCNM is currently establishing policies to assure that if the One-Stop operator(s) is not providing services agreed to and as contracted, the Local Board or its representative will meet with the provider to discuss shortcomings and develop a corrective plan. If corrective actions are not taken within a specified time period as defined in the WCCNM Policy Manual, the Board may terminate the agreement or sanction the provider. A copy of the contract between WCCNM and its provider is available on request.

4. *Describe how the local board will terminate a One-Stop operator for cause.*

If the deficient areas noted in corrective action notifications (described above) are not corrected within 30 days, the Board may send a letter of termination to the service provider. The provider has 30 days to appeal this decision to the State Workforce Development Board.

5. *What programs and funding streams will support service delivery through the One-Stop system? How will services provided by each of the One-Stop partners be coordinated and made available in the local One-Stop system? Attach a copy of each Memorandum of Understanding (MOU) between the local board and each of the One-Stop partners concerning the operation of the local One-Stop delivery system.*

The One-Stop partners, programs, and funding sources currently involved in supporting the WIA One-Stop system through co-location at the Mountain Road Center are:

- Division of Vocational Rehabilitation, NM Public Education Department
- Job Corps
- Business Leadership Network
- University of New Mexico and TVI for Adult Basic Education
- Trade Adjustment Assistance (NM DOL)
- Wagner-Peyser (NM DOL)
- Veterans programs
- Migrant and Seasonal Farmworker program
- Unemployment Insurance (NM DOL)
- Temporary Assistance for Needy Families (TANF), NM Department of Human Services

A public ceremony was held October 19, 2004 during which the majority of partners named above signed onto an MOU with the Board.

In addition to the One-Stop partners already committed, the Board continues to seek additional partners with a special interest in representatives of senior employment services and Native American programs.

6. *Typically, what information and services will be provided and how will customers access them?*

A One-Stop flowchart included and indicates the information and services available to One-Stop customers and how they access this information (Attachment 1).

7. *What is the local plan for delivery of core, intensive and training services?*

Core Services offered at the One-Stop Centers includes outreach, orientation, intake, labor market information, career counseling assessment, and job search services. Core services are designed to link job ready participants with appropriate employment available in the area job market as quickly as possible.

For persons who need assistance beyond the core services at the One-Stop centers, WIA Specialists at the centers offer a set of Intensive services designed to assist them in reducing barriers to employment. Clients needing such assistance in their search for employment will work with a WIA Specialist and will receive, as needed, a mix of services including assessment, development of an

Employment Development Plan, individual and group counseling, career planning assistance, employment workshops, pre-vocational training, referral to related services, and linkages to other services.

Those clients who cannot move into employment as a result of core or Intensive services and who are eligible may qualify for referral to Training services through: 1) On-the Job Training; 2) Individual Training Accounts used to finance job related training; or 3) Customized Training developed for a group of participants in response to the needs of the same employer or a group of employers.

8. *How will youth services be connected with the One-Stop delivery system?*

The WCCNM youth services provider enters into a formal partnership with the One-Stop provider to link services for youths to the One-Stop delivery system. The youth services provider co-locates its programs and case managers at the One-Stop facilities in Torrance, Valencia, and Sandoval Counties and at the One-Stops located on Mountain Road and in the Barelás neighborhood of Albuquerque.

At these centers, youth services staff provides services including community outreach, intake, assessment, development of an Individual Service Strategy (ISS), and case management. In addition, youth participants are referred to community partners for additional services including supportive services (transportation, child care, etc.); alternative secondary school services; comprehensive counseling, including substance abuse counseling; tutoring, study skills; summer employment linked to academic and occupational learning; job shadowing and paid or unpaid internships; occupational skills training; and follow-up services.

Co-enrollment of youth between the ages of 18-21 in both the youth and adult programs is available and as indicated through WCCNM policy.

9. *How will the local board promote the participation of private sector employers in the local workforce investment system to assist the employers in meeting hiring needs?*

The One-Stop Centers each offer a range of Employer Services designed to link the needs of area employers with the skills of local job seekers in ways that facilitate area economic development. The One-Stop Center provider conducts outreach to local businesses to encourage their participation in the WCCNM system to meet their workforce needs. It sponsors local job fairs, conducts quarterly employer forums, and works with businesses who wish to relocate to, or

expand in, the central region of New Mexico area to meet their human resource needs.

The WCCNM Board, in addition, has made outreach to businesses and employers a priority for the WIA program and has mobilized funding to strengthen employer services within the One-Stops, including both large and small employers.

As part of this effort, WCCNM convenes employers and partners to identify desirable skill sets and measures of occupational demand, a coordinated approach to economic development and workforce development, common measures to help business and industry align training programs with job seeker needs, and ways to increase employer participation in the One-Stops. In particular, WCCNM seeks strategies such as the National Business Learning Partnership program of the US Department of Labor to learn from experienced One-Stops that provide these services.

E. PLAN DEVELOPMENT AND IMPLEMENTATION

1. *Describe the plan development process, including a discussion of the process used by the local board, consistent with WIA to provide an opportunity for public comment – including comment by representatives of businesses and comment by representatives of labor organizations – and input into the development of the local plan, prior to submission of the plan. What other organizations were involved in the development of the local plan, visions, and goals, and how were they involved?*

This Plan represents the first revision to a Five-Year Plan initially adopted in December of 2000, with adaptations designed to reflect significant changes in the management and operation of the local WIA program. The proposed revisions are presented to the CEOs for formal adoption at their public meeting.

WCCNM includes a public review and comment period for the public and the Office of Workforce Training and Development in accordance with state law. Extensive business participation for development of the Five-Year Plan is also sought.

2. *What was the role of the chief elected official(s) (CEOs) in developing the Plan?*

A copy of the Local Plan will be presented to the CEOs for their review and approval at the October 2004 meeting. Further, a draft of this Plan will be presented to the WCCNM Board, with comments included and incorporated, before it is made final.

3. *Attach any public comments that represent disagreement with the plan. How*

were these comments considered in developing the local plan?

There were no such comments.

F. LOCAL GOVERNANCE

- 1. Identify the fiscal agent or entity responsible for the disbursement of grant funds described in WIA, as determined by the chief elected official(s) under WIA. Describe the entity's experience in administering government contracts and how it will ensure it will be in compliance with US DOL and the Office of Workforce Training and Development.*

The Mid-Region Council of Governments is selected by WCCNM as the administrative entity and fiscal agent. MRCOG has extensive experience in program and policy development, planning and administration across a wide range of domains.

- 2. Provide the agreement specifying the respective roles of the individual chief elected officials, including fiscal liability. Attach a copy of this agreement.*

An agreement between the WCCNM and the CEOs is shown as Attachment 2.

- 3. How will the local board work in partnership with the chief elected officials? Attach a copy of the board by-laws and any other partnership agreements or memorandums of understanding.*

The By-Laws of the WCCNM (Attachment 3) define Board responsibilities and frame the relationship of the Board and CEOs.

- 4. What circumstances constitute a conflict of interest for a local board member, including voting on any matter regarding provision of service by that member or the entity that he or she represents, and any matter that would provide a financial benefit to that member?*

The Code of Conduct is attached (Attachment 4).

Every new Board member (and once thereafter during each year of service) is required to disclose any conflict of interest by completing the attached Conflict of Interest Questionnaire (Attachment 5).

- 5. Describe the youth council and its involvement in implementing portions of the local plan relating to eligible youth.*

The Functions of a Youth Council flow chart (Attachment 6) and a list of current members are attached (Attachment 7).

6. *Describe the local board's plans to provide administrative services. Identify any staff that will be hired. Describe the board's plans, if applicable, to contract for some or all of its administrative services.*

A copy of the contract between the Board and the Mid-Region Council of Governments for administration of the WIA program is shown as Attachment 8.

7. *Describe the local grievance procedure established in accordance with federal regulations.*

The Grievance procedures (Attachment 9) are attached and have been established in accordance with state and Federal law.

8. *How will the local board meet the WIA limitations on services that may be provided by the local board or its staff.*

We do not anticipate that these limitations will be exceeded. In the event that this does occur, there is in place a Priority of Service Policy.

9. *How will the local board ensure that the public – including persons with disabilities – has access to all board meetings and activities?*

Board meetings are publicized in advance in accordance with the New Mexico Open Meetings Act. All legal notices will include a request for notification if special assistance for disabled individuals is required. All meetings are held in facilities that are accessible to persons with disabilities. MRCOG maintains a web site for WCCNM that provides minutes of the last meeting.

10. *Identify the board chairperson, the fiscal agent, the administrative agent, and the One-Stop operator and provide names, addresses and phone numbers.*

For Program Year 2004:

Board Chairperson: Robert Davey

Administrative Agent: Mid-Region Council of Governments, 317 Commercial NE, Albuquerque, NM Contact: Lawrence Rael, Executive Director (505) 247-1750

Fiscal Agent: Mid-Region Council of Governments, 317 Commercial NE, Albuquerque, NM Contact: Lawrence Rael, Executive Director

(505) 247-1750

One-Stop Operator: New Mexico Department of Labor, 401 Broadway NE, Albuquerque, NM 87103. Contact: Steve Gallegos, Deputy Secretary (505) 841-8484

Youth Provider: Youth Development, Inc. 6306 Central Ave., Albuquerque NM 87105. Contact: Chris Baca, President and CEO (505) 352-3456.

G. FUNDING

1. *Develop and attach a budget. In answering this question, indicate how allowable administrative funds will be divided between the local board and the One-Stop operator(s).*

A budget is shown as Attachment 10. At the time of this writing, the budget was approved by the Executive Committee and is before the Board for final approval.

2. *Describe the criteria to be used under 20 CFR 663.600 to determine whether funds allocated to a local area for adult employment and training activities under WIA are limited and the process by which any priority will be applied by the One-Stop operator.*

A Priority of Service Policy was issued on July 15, 2004 that indicates WIA Specialists should use 100% of LLSIL table to enroll participants. When 80% of local funds are obligated, the funds are determined to be “limited” and the priorities for service as follows:

- When Title I funds to serve adults are limited, WIA Specialists should use 70% of LLSIL table to enroll customers;
 - Services must be prioritized for recipients of public assistance and other low-income adults in accord with Section 101(25) of the Workforce Investment Act;
 - WIA intensive and training services are to be provided to people residing in the four county area; and
 - Core services must be universally available to all adults and dislocated workers regardless of where they live.
3. *Describe any current plans to solicit grants and donations from sources other than WIA funds. How will funds received under the Workforce Investment Act be used to leverage other federal, state, local, and private resources to maximize the*

effectiveness of such resources and expand the participation of business, employees, and individuals in the local workforce investment system?

WCCNM is developing a detailed spreadsheet of funding information from partners. The Board will specify ways that the funds will be integrated, utilized and leveraged.

Other funding sources have been identified and will be pursued, including Rapid Response funding, statewide 10% set-aside, Responsible Reintegration of Youth Offenders and other state or Federal WIA funding. In addition, transportation, TANF, childcare and services available through the Children, Youth and Families Department will be identified. During the year other income sources will be solicited and used to leverage the programs. These sources will be included in plan amendments as they occur. Partner contributions will be developed when MOUs are finalized.

H. ACTIVITIES TO BE FUNDED

1. *Describe the competitive process to be used to award grants and contracts in the local area for activities carried out under WIA Title I.*

Contracts to provide services under WIA Title I will be awarded to private for-profit or nonprofit organizations based on an open and competitive process, utilizing a Request for Proposal that is publicly advertised, in accordance with Federal, state and local procurement laws, and with responses reviewed by a neutral committee that makes recommendations of award to the Board.

Contracts with governmental agencies (federal, state, tribal, city, county, school, community college and university) may be awarded directly without RFP procedures through Memoranda of Understanding or Joint Powers Agreements. If doing so, this will be openly presented at board meetings for concurrence.

All proposal paperwork is kept on file for review by the state monitoring agency for at least three years.

Describe the framework for the youth program design in the local area and how the ten program elements required in 20 CFR 664.410 will be provided within that framework.

Based on the recommendation of the Youth Council, the Board approves the competitive selection of the youth service provider which, in turn, enters into partnership agreements with youth-serving agencies in each of the four counties within the Central New Mexico area.

At the time of this writing, the youth service provider partners include: University of New Mexico-Valencia Campus, Valencia Counseling, Moriarty Public Schools, Estancia Public Schools, Mountainair Public Schools, Moriarty Chamber of Commerce, Mountainair Chamber of Commerce, Los Lunas Public Schools, Belen Public Schools, Los Lunas Chamber of Commerce, Albuquerque Public Schools, Greater Albuquerque Chamber of Commerce, New Mexico Highlands University, Rio Rancho Public Schools, Bernalillo Public Schools, Rio Rancho Chamber of Commerce, and the Intel Corporation.

Services provided by the youth service provider and its partners cover the 10 elements mandated under WIA, including:

- Preparation for postsecondary educational opportunities;
- Strong linkages between academic and occupational learning;
- Preparation for unsubsidized employment opportunities;
- Effective linkages with intermediaries with strong employer connections;
- Alternative secondary school services;
- Paid and unpaid work experiences;
- Occupational skill training;
- Leadership development opportunities;
- Comprehensive guidance and counseling; and
- Follow-up services.

2. Describe how coordination with Job Corps, Youth Opportunity Grants, School-to-Work and other youth programs in the local area will occur.

Representatives of the Job Corps and other youth-serving organizations are represented on both the Board and the Youth Council. Program coordination occurs via communication among partners, among and between Board members and among and between Youth Council members. Job Corps has been a signatory to WCCNM's Memorandum of Understanding.

3. Describe the process to be used for identifying providers of youth activities.

WCCNM conducts outreach and requires its provider to conduct outreach throughout the four-county region. WCCNM requires youth and adult providers to prepare a plan for how they will reach out to underserved and rural communities, and how Board-sponsored transportation will pay for service to rural and underserved areas. As part of the plan, WCCNM requires its youth provider to develop and maintain a visible presence in communities and to develop partnerships with agencies besides the One-Stop provider. Based on community visibility, WCCNM is able to extend a wide net to youth service providers when identifying youth service providers. Community-based partners

for in-school and out-of-school youth, governmental agencies and school-based providers all receive information from WCCNM related to services and issuances of RFPs.

4. *Describe and assess the type and availability of youth activities in the local area, including an identification of successful providers of such activities.*

Each of the four counties within the central region offers a range of services for youth. Secondary and postsecondary educational opportunities are available in most areas of the region, including alternative educational programs such as GED and Charter Schools. All areas offer opportunities for business involvement with youths, including mentorship and job shadowing. Counseling and other services are available, including assistance for substance abuse.

The selected youth services provider, YDI, has created a network of partners in each county to provide access to all of the mandated youth services under WIA

5. *Describe and assess the type and availability of adult and dislocated worker employment and training activities in the local area.*

The central region offers the widest range of adult and dislocated worker employment and training activities in the State of New Mexico. These include opportunities for baccalaureate and graduate degrees at the University of New Mexico and several for-profit colleges; associate degrees and technical certifications through community colleges; and specialized, short-term, training through colleges and local training providers (see Eligible Training Provider List for current training providers). The area also provides a wide range of supportive services through public and private entities.

6. *Describe any limits on Individual Training Accounts (ITAs) as established by local board policies, within requirements of the State.*

The WCCNM provides ITAs in conformity with SIN 11.2.8 Workforce Investment Act (WIA) Individual Training Accounts (ITAs).

I. COORDINATION AND NON-DUPPLICATION

1. *Describe how the local board will coordinate workforce investment activities carried out in the local area with statewide rapid response activities, as appropriate.*

WCCNM is responsive to those activities coordinated by the statewide Rapid Response Coordinator. For those layoffs involving 50 individuals or more, WCCNM is required to and participates in activities coordinated by the Statewide

Rapid Response Coordinator. For those layoffs involving under 50 individuals, WCCNM guides and directs activities of its One-Stop provider.

2. *Describe the local plan to avoid duplicating of services.*

A Partner Guide, funded by WCCNM and developed by the One-Stop provider, identifies community services available to customers throughout the four-county area. WCCNM provides training to WIA Specialists on avoiding duplication of service and using WIA funds as a last resort for supportive services and as a source of training funds. WCCNM allows the One-Stop and youth providers to develop procedures for how they will avoid duplication of service. In the event that a customer requires a similar (not “same”) service in order to be successful, WCCNM supports that WIA Specialist’s decision.

J. SPECIAL POPULATIONS AND OTHER GROUPS

1. *How will the local system ensure non-discrimination and equal opportunity, as well as compliance with the Americans with Disabilities Act.*

Board policy on serving persons with disabilities is extensive and shown as Attachment 11. These policies have been developed in collaboration with national, state and local experts.

2. *What is the local area’s definition regarding the sixth youth eligibility criterion, (“an individual who requires additional assistance to complete an educational program, or to secure and hold employment”).*

The area definition and policy is currently under review by the Youth Council which will make a recommendation for change, if any, to the Board.

K. PERFORMANCE ACCOUNTABILITY AND SYSTEM IMPROVEMENT

1. *Describe the local levels of performance negotiated with the Governor and chief elected official pursuant to WIA, to be used to measure the performance of the local area and to be used by the local board for measuring performance. Include the following:*

- *A description of the core indicators of performance and the customer satisfaction indicators of performance.*
- *A description of your local methods to ensure incremental progress and continuous improvement on your performance measures.*
- *A description how your LWDB will ensure the timely and accurate reporting of all performance measures data, including client-specific data.*

Current performance standards Program year 2004 (July 1, 2004-June 30, 2005) are shown in the following pages and will be renegotiated for the Local Area with the State Administrative Entity.

Adults

Performance Indicator	4 th Year	5 th Year	Explanation of method used for determining the average
Entered Employment	69%	70%	Determined based on the number of Adults who are not employed at registration: Number of Adults who have entered employment by the end of the first quarter after exit divided by number of Adults who exit during the Quarter.
Retention	77%	78%	Determined based on the number of Adults who are employed in the first quarter after exit: Number of Adults who are employed in the third quarter after exit divided by the Number of Adults who exit during the Quarter.
Earning Change (six months)	\$2,760	\$2,800	Determined based on the number of Adults who are employed in the first quarter after exit: Total Post Program Earning in Quarter Two plus Quarter Three after exit, minus the Pre Program Earnings in Quarter Two plus Quarter Three prior to registrations divided by the Number of Adults who exited during the Quarter.
Employment and Credentials	57%	58%	Determined based on those who received classroom training or basic skills training: Number of Adults who were employed in the First Quarter after exit and received credit for completing classroom training or basic skills training by the end of the Third Quarter after exit divided by the Number of Adults who exited during the Quarter.

Dislocated Workers

Performance Indicator	4 th Year	5 th Year	Explanation of method used for determining the average
Entered Employment	71%	73%	Determined based on the number of Dislocated Workers who are employed in the first quarter after exit: Number is Dislocated Workers who have entered employment by the end of the first quarter after exit divided by Number of Dislocated Workers who exit during the Quarter.
Retention	89.5%	90%	Determined based on the number of Dislocated Workers who are employed in the first quarter after exit: Number of Dislocated Workers who are employed in the third quarter after exit divided by the Number of Dislocated Workers who exit during the Quarter.
Earning Replacement Rate	90%	93%	Determined based on the number of Dislocated Workers who are employed in the first quarter after exit: Total Post Earnings in Quarter Two plus Quarter Three after exit divided by the Pre-Dislocation Earnings in the Quarter Two plus Quarter Three prior to dislocation.
Employment and Credentials	55%	56%	Determined based on those who received classroom training or basic skills training: Number of Dislocated Workers who were employed in the First Quarter after exit and received credit for completing classroom training or basic skills training by the end of the Third Quarter after exit divided by the Number of Dislocated Workers who exited during the Quarter

Older Youth 18-21

Performance Indicator	4 th Year	5 th Year	Explanation of method used for determining the average
Entered Employment	65%	66%	Determined based on the number of those who are not employed at registration and who are not enrolled in postsecondary education or advanced training in the first quarter after exit --- Number of Older Youth who have entered employment by the end of the first quarter after exit divided by number of Older Youth who exit during the Quarter.
Retention	74%	75%	Determined based on the number of those who are employed in the first quarter after exit and who are not enrolled in postsecondary education or advanced training in the third quarter after exit --- Number of Older Youth who are employed in the third quarter after exit divided by the number of Older Youth who exit during the quarter.
Earning Change (six months)	\$2,300	\$2,240	Determined based on the number of those who are employed in the first quarter after exit and who are not enrolled in postsecondary education or advanced training in the third quarter after exit --- Total post program earnings (earnings in quarter 2 plus quarter 3 after exit) minus pre-program earnings (earnings in quarter 2 plus quarter 3 prior to registration) divided by the number of Older Youth who exited during the quarter.
Credentials	55%	56%	Determined based on the number of Older Youth who are in employment, postsecondary education, or advanced training in the first quarter after exit and received a credential by the end of the third quarter after exit divided by the number of Older Youth who exit during the quarter. of Adults who exited during the Quarter.

Younger Youth 14-18

Performance Indicator	4 th Year	5 th Year	Explanation of method used for determining the average
Diploma or Equivalent Attainment	56%	57%	Determined based on the number of those who register without a diploma or equivalent --- Number of Younger Youth who attained secondary school diploma or equivalent by the end of the first quarter after exit divided by the number of Younger Youth who exit during the quarter (except those still in secondary school at exit)
Skill Attainment	85%	86%	Determined based on the number of all in-school youth and any out-of-school Younger Youth assessed to be in need of basic skills, work readiness skills, and/or occupational skills --- Total number of attained basic skills goals plus number of attained work readiness skills goals plus number of attained occupational skills goals divided by the total number of basic skills goals plus the number of work readiness skills goals plus the number of occupational skills goals set.
Retention	52%	54%	Determined based on the number of Younger Youth found in one of the following categories in the third quarter following exit: Postsecondary education, advanced training, employment, military service, qualified apprenticeships divided by the number of Younger Youth who exit during the quarter (except those still in secondary school at exit)
Participant Satisfaction	68%	70%	The weighted average of participant ratings on each of the three questions regarding overall satisfaction are reported on a 0-100 point scale. The score is a weighted average, not a percentage.
Employer Satisfaction	68%	70%	The weighted average of employer ratings on each of the three questions regarding overall satisfaction are reported on a 0-100

			point scale. The score is a weighted average, not a percentage.
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These performance measures include measures of both participant and employer satisfaction and set standards for incremental progress. Service contracts include specific requirements for providers to report performance data, including client specific data, in a timely manner.

2. *Describe how the local board will ensure the continuous improvement of eligible providers of services through the system and ensure that such providers meet the employment needs of local employers and participants.*

The Board's Training and Service Provider Committee meets monthly to study, review and make recommendations to the Executive Committee on matters related to the training and service provider program. The Committee's charge is to make recommendations on data elements important to the area related to training providers.

Attachments

1. Customer Flow Chart
2. CEO Agreement
3. Workforce Connection of Central New Mexico By-Laws
4. Code of Conduct
5. Conflict of Interest Questionnaire
6. Functions of a Youth Council
7. Youth Council Members
8. Professional Services Agreement: Workforce Connection of Central New Mexico and Mid-Region Council of Governments
9. Complaint/Resolution Procedures
10. Program Year 2004 Budget
11. Disability-Related Nondiscrimination Policies and Procedures

Attachment 1.

Cannot be displayed

For a copy of the Customer Flow Chart contact WCCNM at 505-247-1750

Attachment 2.

WORKFORCE CONNECTION

Of Central New Mexico

CEO Agreement



Adopted October 27, 2003



WORKFORCE CONNECTION OF CENTRAL NEW MEXICO CEO AGREEMENT

This Agreement is made and entered into by the Bernalillo County, Sandoval County, Torrance County, Valencia County **Chief Elected Officials** (the “CEO” or “CEOs”).

This Agreement is entered into pursuant to the provisions of the United States Workforce Investment Act of 1998 (“WIA”), the New Mexico Workforce Development Act and attendant federal and state regulations. Under the WIA, the CEOs are to appoint a local workforce development investment board, serve as the local grant recipient of WIA funds, and have oversight, with the local board, over local workforce development programs.

In fulfillment of its rights and obligations under the WIA, the CEOs agree as follows:

Article I

General Provisions

1.1 The "Workforce Investment Act Central New Mexico Operating Agreement" is terminated as of the effective date of this Agreement.

1.2 The WIA contains Workforce Investment definitions. Terms used in this Agreement adhere to such definitions.

1.3 **Name**. The name of the local workforce development investment board is the Workforce Connection of Central New Mexico (“WCCNM”).

1.4 **Purpose**. The WCCNM is responsible for coordinating activities at the local level to do the following: (a) increase the employment, retention, occupational skills and earnings of the workforce; (b) reduce welfare dependency; (c) enhance productivity and competitiveness of central New Mexico’s business and industry; and (d) encourage continuous improvement in worker preparation from kindergarten through adulthood.

1.5 **Region**. The WCCNM is responsible for the oversight of services provided under the WIA to the following four (4) counties located in central New Mexico: Bernalillo, Sandoval, Tarrant, and Valencia. The four (4) counties are referred to in this Agreement as the “Local Area.”

1.6 **CEO Local Government Composition**. The CEOs comprise (a) the Commission Chairs or a designated elected official from the Board of County Commissioners of each of the four (4) counties; and (b) the Mayors or Pueblo Governors, or a designated elected official of either the Mayors or Pueblo Governors, the following municipalities or pueblos located in the Local Area: Bernalillo County: Albuquerque, Los Ranchos de Albuquerque, Tijeras, Isleta Pueblo; Sandoval County: Bernalillo, Cochiti Lake, Corrales, Cuba, Jemez Springs, Rio Rancho, San Ysidro, Cochiti Pueblo,

Jemez Pueblo, Sandia Pueblo, Santo Domingo Pueblo, San Felipe Pueblo, Santa Ana Pueblo, Zia Pueblo; Torrance County: Encino, Estancia, Moriarty, Mountainair, Willard; and Valencia County: Belen, Bosque Farms, and Los Lunas.

1.7 **Participation**. Even if a particular county, municipality and/or pueblo through its duly authorized Commission Chair, Mayor or Governor, as the case may be, does not execute this Agreement, citizens in those jurisdictions are provided all of the appropriate coverages and employment and training services as provided under the Act; however, such non-executory parties may not participate in decisions under this Agreement hereunder, including without limitation, the selection of WCCNM.

1.8 **Action of the CEOs**. The affirmative vote of the CEOs present at a meeting constitutes the official action of the CEOs.

Article II

WCCNM Board

2.1 **Appointment of WCCNM**. The CEOs will appoint the WCCNM from the individuals nominated as required by the WIA.

2.2 **Membership of WCCNM**. The membership of the WCCNM will include:

A. **Business Members**. A majority of the members must consist of representatives from businesses in the Local Area. Business members will come from each county in the Local Area and reflect the employment opportunities of the Local

Area. Business members should have optimum policy-making or employment authority for the business organizations they represent. One business member will represent private-sector Economic Development.

B. K-12 Education. Two members must represent K-12 education in the Local Area. These members will represent local educational entities, including educational agencies, school boards and adult education and literacy.

C. Post-Secondary, Vocational Education. One member must represent post-secondary, vocational education in the Local Area. This member may also be counted as a representative of K-12 education if the individual satisfies the requirements of K-12 educational member.

D. Labor. Two members must represent the Central New Mexico Central Labor Council - AFL-CIO.

E. Community-Based Organizations. Two members must be representatives of community-based organizations from the Local Area. These community members are to have strong ties to workforce development, serve a large portion of the Local Area and represent diverse aspects of the population.

F. Economic Development. One member must represent public sector economic development in the Local Area.

G. One-Stop Partners. One member must represent each One-Stop Partner. The One-Stop Partners include: New Mexico Department of Labor, New Mexico

Department of Human Services, including (TANF), New Mexico Division of Vocational Rehabilitation, New Mexico Commission of the Blind, New Mexico Department of Education (Adult Basic Education or Literacy), New Mexico Older Workers, Native American Grants, Job Corps, United States Department of Housing and Urban Development (Employment and Training).

H. CEO. One CEO from the Local Area will be selected by the CEOs.

2.3 Terms.

A. Each WCCNM member will serve a term of two years. A WCCNM member may serve two consecutive terms. The WCCNM members shall be certified as eligible on an annual basis by the CEOs.

B. Members will be appointed so as to assure that the WCCNM is staggered with one-half of the WCCNM, or as close thereto as possible, appointed annually.

2.4 Removal. WCCNM members shall serve at the pleasure of the CEOs.

Article III

Functions of the WCCNM

3.1 General Powers. The WCCNM is a policy board serving on behalf of the CEOs for the Local Area. In carrying out this responsibility, the WCCNM shall have planning and goal setting authority and provide oversight for the WIA program. The WCCNM shall employ an administrative entity and fiscal agent to implement its duties and obligations.

3.2 **Local Plan.** The WCCNM shall develop and submit a five-(5) year comprehensive local plan (the “Local Plan”) to the NM Department of Labor that is consistent with the Act, and any regulations, along with any state statute and regulation. The Local Plan must be approved by the CEOs and be consistent with the State Plan created by the State Workforce Investment Board (the “State Plan”). The Local Plan includes the provisions as described in Article IV of this Agreement.

3.3 **One-Stop Delivery System.** WCCNM will select the One-Stop Delivery System Operators, as described in Article VI of this Agreement, for the Local Area. The operation of the One-Stop Delivery System will be consistent with the State Plan in accordance with federal and state procurement policies.

3.4 **Identification of Eligible Youth Service Providers.** In accordance with the WIA, the WCCNM will identify eligible youth activity providers in the Local Area and awarding grant or contracts in accordance with federal and state procurement policies, based on the recommendations of the Youth Council.

3.5 **Identification of Eligible Training Services Providers.** In accordance with the WIA, the WCCNM will identify and certify eligible training service providers in the Local Area.

3.6 **Local Performance Measures.** The WCCNM and the CEOs will negotiate with the NM Department of Labor to reach agreement on performance measures in the Local Area.

3.7 **Employment Statistic System.** The WCCNM will assist the NM Department of Labor in developing a statewide employment statistic system.

3.8 **Employer Linkages.** The WCCNM will coordinate the workforce investment activities carried out in the Local Area under the WIA with other economic development strategies and develop other employer linkages with such activities.

3.9 **Connecting, Brokering and Coaching.** The WCCNM will promote the participation of private sector employers in the State of New Mexico's workforce investment system and ensure the effective provision, through the system, of connecting, brokering, and coaching activities through intermediaries such as the one-stop operator(s) in the Local Area or through other organizations to assist such employers in meeting hiring needs.

3.10 **Limitations.** The WCCNM may not provide training services. Further, the WCCNM may not be designated a certified one-stop operator under the WIA without the prior agreement of the CEOs and the NM Department of Labor. Nothing in this agreement is to be construed to provide the WCCNM with the authority to mandate curricula for schools in the Local Area.

3.11 **Reporting.** The WCCNM will provide the CEOs with meeting notices, agendas and minutes of all activities. An annual audit will be performed on the WCCNM in accordance with the State Auditors rules and regulations. A copy and verbal report will be provided to the CEOs. The chair of the WCCNM shall present a status report and

update of the WIA program to the CEOs on a semi-annual basis or when requested by the CEOs.

3.12 **Budget.** The WCCNM will develop a budget for the purpose of carrying out the duties of the WCCNM, subject to the approval of the CEOs.

3.13 **Other Responsibilities.** The CEOs may adopt policies, as needed, to further the purposes of this Agreement, and as assigned by the WIA.

Article IV

Contents of the Local Plan

The Local Plan will include:

4.1 **Workforce Identification.** An identification of the investment needs of businesses, job seekers, and workers in the Local Area; the current and projected employment opportunities in the Local Area; and the job skills needed to obtain such employment opportunities.

4.2 **One-Stop Delivery System.** A description of the One-Stop Delivery System to be established in the Local Area, including (a) a description of how the WCCNM will ensure the continuous improvement of eligible providers of services through the system and ensure that such providers meet the employment needs of the Local Area; and (b) a copy of each contract between the WCCNM and each of the one-stop partners concerning the Local Area service delivery system.

4.3 **Performance Level.** A description of the local levels of performance to be

used to measure the performance of the Local Area and to be used by the WCCNM for measuring the performance of the Fiscal Agent, eligible providers, and the One-Stop Delivery System in the Local Area.

4.4 **Adult Employment and Training**. A description and assessment of the type and availability of adult and dislocated worker employment and training activities in the Local Area.

4.5 **Activity Coordination**. A description of how the WCCNM will coordinate workforce investment activities carried out in the Local Area with statewide rapid response activities, as appropriate.

4.6 **Youth Activities**. A description and assessment of the type and availability of youth activities in the Local Area, including an identification of successful providers of such activities.

4.7 **Public Comment**. A description of the process used by the WCCNM to provide an opportunity for public comment and input, including comment from representatives of business and labor, into the development of the Local Plan prior to submission of the Local Plan to the State of New Mexico. At a minimum, the WCCNM will do the following prior to submitting the Local Plan to the State: (a) make available copies of a proposed Local Plan to the public through such means as public hearings or local news media; (b) allow members of the WCCNM and the public, including representatives of business and labor, to submit comments on the proposed Local Plan to

the WCCNM within thirty (30) days of making the proposed Local Plan available for comment; and (c) include with the submission of the Local Plan to the New Mexico Department of Labor any comments that represent disagreement with the Local Plan.

4.8 **Competitive process.** A description of the competitive process to be used to award the grants and contracts in the Local Area for activities carried out under the WIA.

4.9 **Other Information.** Such other information that may be required by the NM Department of Labor or the Governor of the State of New Mexico.

Article V

Grant Funds

5.1 **Grant Recipient.** The CEOs will serve as the grant recipient for, and will be liable for any misuse of, the grant funds allocated to the Local Area under the Act. The WCCNM shall procure and maintain professional liability insurance coverage for its members and provide for the CEOs as named insured. The WCCNM shall require appropriate coverage from contract service providers based on the type of service provided.

Article VI

Establishment of One-Stop Delivery System

6.1 **One-Stop Operators.** Consistent with the State Plan, the WCCNM will designate or certify, with the agreement of the CEOs, a One-Stop Operator or Operators

for the Local Area (the “One-Stop Operator(s)”). The WCCNM will have the authority, with the agreement of the CEOs, to terminate and decertify the One-Stop Operator(s) in accordance with the terms of the contract and/or for cause. In order for an entity to be eligible to receive funds made available under the WIA to operate as a One-Stop Operator(s), the entity must be designated or certified as a One-Stop Operator(s).

A. **Eligible Entities**. A One-Stop Operator may be an entity or consortium of entities, of demonstrated effectiveness, located in the Local Area, including but not limited to the following: (a) a post-secondary educational institution; (b) an employment service agency established under the Wagner-Peyser Act on behalf of the Local office of the agency; (c) a private, nonprofit organization (including a community based organization); (d) a private for-profit entity; (e) a government agency; and (f) another interested organization or entity, which may include a local chamber of commerce or other business organization. Notwithstanding the foregoing, an elementary school or secondary school shall not be eligible for designation or certification as the One-Stop Operator(s).

B. **Duties of the One-Stop Operator(s)**. The One-Stop Operator(s) have the following duties: (a) refer individuals to One-Stop Partners; (b) provide core services at one-stop centers; (c)collect performance information on customized training providers as required by the NM Department of Labor; (d) determine whether service providers satisfy the criteria as eligible providers

through the One-Stop Delivery; (e) determine who among the unemployed need intensive service to obtain or retain employment that allows for self-sufficiency; (f) determine who needs training services following assessment and case management; and (g) determine priority among those who are in need.

6.2 **One-Stop Partners.** Consistent with the State Plan, the WCCNM shall enter into a memorandum of understanding (MOU) and/or contract with each One-Stop Partner for the Local Area (the “One-Stop Partner”) concerning the operation of the One-Stop Delivery System. Each MOU or contract shall contain provisions describing the following: (a) the services to be provided through the One-Stop Delivery System; (b) how the costs of such services and the operating costs of the system will be funded; (c) methods for referral of individuals between the One-Stop Partners, for the appropriate services and activities; (d) the duration of the contract and the procedure for amending the contract during the term of the contract; and (e) such other provisions consistent with the Act that the parties deem to be appropriate.

6.3 **WCCNM and CEO Oversight.** Consistent with the State Plan, the WCCNM, in partnership with the CEOs, shall conduct program monitoring and oversight with respect to the One-Stop Delivery System and the WIA program in the Local Area. Reporting requirements are set forth in section 3.11.

6.4 **Full Service (Model) Center.** At least one (1) “full service” (model)

center shall exist for the Local Area at which individuals may learn about services from each of the One-Stop Partners. The comprehensive service center may be augmented by additional “full service” centers through a network of One-Stop Partners at physical sites or electronic access points.

6.5 No-Wrong Door.

- A. The One-Stop Delivery System must operate under the “no-wrong door” approach. Services are to be provided to individuals through the One-Stop Delivery System. In order to better serve customers, the WIA specifically requires that at least one physical location be established in each workforce investment area with access to all One-Stop services. In addition, satellite offices can be electronically linked to facilitate easy access to services through multiple “no-wrong door” entry points for customers. In order to make services available to all customers, the One-Stop system must be accessible by persons with disabilities and should be accessible by those who rely on public transportation.
- B. At a minimum, the WCCNM must have a presence in each county in the Local Area for the purpose of providing services required by the WIA.

Article VII

Youth Council

- 7.1 Establishment.** The CEOs will appoint a Youth Council for the Local

Area (“Youth Council”). The Youth Council will be established as a subgroup of the WCCNM. The WCCNM, in cooperation with the CEOs, may recommend to the CEOs names of individuals to serve on the Youth Council

7.2 **Membership**. The membership of the Youth Council will include thirteen members: (I) three members of the WCCNM; (ii) two representatives of the youth services agencies including juvenile justice and local law enforcement agencies; (iii) two representatives of local public housing authority; (iv) two parents of eligible youth seeking assistance under the WIA; (v) two individuals, including former participants, and representatives of organizations that have experience relating to youth activities and (vi) two representatives of the Job Corps.

7.3 **Relationship to the WCCNM**. Members of the Youth Council who are not WCCNM members will be voting members of the Youth Council and nonvoting members of the WCCNM.

7.4 **Duties**. The duties of the Youth Council include the following: (a) developing portions of the local plan relating to eligible youth, as determined by the WCCNM Chair; (b) recommending eligible providers of youth activities to the WCCNM to be awarded grants or contracts on a comprehensive basis by the WCCNM to carry out youth activities in the Local Area; (c) conducting oversight with respect to such youth service providers awarded grants or contracts by the WCCNM; (d) coordinating youth activities authorized in the Local Area; and (e) other duties determined to be appropriate

by the WCCNM Chair.

Article VIII

Miscellaneous

8.1 **Sunshine Provision**. The WCCNM shall make available to the public, on a regular basis through open meetings, information regarding the activities of the WCCNM, including information regarding: (a) the Local Plan prior to submission of the plan to the State of New Mexico; (b) membership of the WCCNM; (c) the designation and certification of One-Stop Operators; (d) the award of grants or contracts to eligible providers of youth activities; and (e) minutes of formal meetings of the WCCNM, upon proper request.

8.2 **Code of Conduct**. The WCCNM shall develop a code of conduct policy. At a minimum, such policy must provide for conflict of interests, prevention of fraud and abuse; nepotism, prohibited political activities and other related code of conduct issues. The code of conduct shall strive to instill the highest standards of honesty and integrity in handling federal monies with the objective of insuring the highest level of services to clients of the program and proper expenditure of funds pursuant to the Acts, all regulations promulgated thereunder, and all other applicable laws or regulations. Any contract awarded to any WCCNM member must be approved by the CEOs.

8.3 **Non-Discrimination**. No individual may be excluded from participation in, denied benefits of, subjected to discrimination under, or denied employment in the

administration of or in connection with, any program or activity of the WCCNM or CEOs because of race, color, religion, sex (except as otherwise permitted under Title IX of the Education Amendments of 1972), national origin, age, disability, or political affiliation or belief.

8.4 **Cooperative Agreements.** The WCCNM may enter into an agreement with another local area workforce investment board to pay or share the cost of educating, training, or placing individuals participating in programs assisted under the Act. Such agreement must be approved by the CEOs providing guidance to the Local Area and will be described in the Local Plan as described in Article IV of this Agreement.

8.5 **Amendment and Termination.** This agreement may be amended or terminated at any time by a majority vote of the CEOs but always consistent with the State Plan and the WIA.

8.6 **Duration.** This Agreement must be ratified every five years by the CEOs, unless terminated in accordance with Section 8.5 of this Agreement.

8.7 **Authority to Act.** Each CEO signing on behalf of a given jurisdiction shall obtain the necessary authorization required.

8.8 **Counterparts.** This Agreement may be executed in separate counterparts, each of which when so executed shall be an original, but all of such counterparts shall together constitute but one and the same instrument.

In Witness Whereof, this Agreement has been signed and dated and will be effective upon certification by the Governor, State of New Mexico.

Passed, Approved and Adopted by the Chief Elected Officials at their meeting of **October 27, 2003.**

Chief Elected Official
Chair:

_____ Date: _____
John Hooker

Bernalillo County _____ date: _____

Albuquerque _____ date: _____

Los Ranchos de
Albuquerque _____ date: _____

Tijeras _____ date: _____

Isleta Pueblo _____ date: _____

Sandoval County _____ date: _____

Bernalillo _____ date: _____

Cochiti Lake _____ date: _____

Corrales _____ date: _____

Cuba _____ date: _____

Jemez Springs _____ date: _____

Rio Rancho _____ date: _____

San Ysidro _____ date: _____

Cochiti Pueblo _____ date: _____

Jemez Pueblo _____ date: _____

Sandia Pueblo _____ date: _____

Santo Domingo Pueblo _____ date: _____

San Felipe Pueblo _____ date: _____

Santa Ana Pueblo _____ date: _____

Zia Pueblo _____ date: _____

Torrance County _____ date: _____

Encino _____ date: _____

Estancia _____ date: _____

Moriarty _____ date: _____

Mountainair _____ date: _____

Willard _____ date: _____

Valencia County _____ date: _____

Belen _____ date: _____

Bosque Farms _____ date: _____

Los Lunas _____ date: _____

Attachment 3.
**WORKFORCE CONNECTION OF CENTRAL NEW MEXICO BOARD
BYLAWS**

Article 1 - Establishment

1.01 The Workforce Connection of Central New Mexico Board (“WCCNM”) is established in accordance with the United States Workforce Investment Act (“WIA”) of 1998 and the New Mexico Workforce Development Act (“NMWDA”). The function of the WCCNM is to assist the chief elected officials of the Local Area (“CEOs”) by carrying out the many WIA functions, specifically, those of planning, coordinating and monitoring provision of programs and services.

1.02 These Bylaws are established in a manner consistent with the CEO Agreement executed on or about October 27, 2003 to implement the WCCNM entered into by the CEOs of the WCCNM. The operating agreement outlines the roles and responsibilities of the CEOs and the WCCNM members.

Article 2 - Jurisdiction

2.01 The WCCNM comprises Bernalillo, Sandoval, Torrance and Valencia Counties (the “Local Area”).

Article 3 - Purpose

3.01 The WCCNM is responsible for coordinating activities in the Local Area to accomplish the following:

- A. Increase employment, retention, occupational skills and earnings of the workforce;
- B. Reduce welfare dependency;
- C. Enhance productivity and competitiveness of New Mexico’s business and

industry; and

D. Encourage continuous improvement in worker preparation and development from kindergarten through adulthood.

Article 4- Duties and Responsibilities

4.01 Objectives. The objectives of the WCCNM are to carry out functions and responsibilities according to the WIA and the NMWDA, and their rules and regulations. Those functions and responsibilities include:

A. Maintaining the local Workforce Development Plan (Local Plan) and updating the plan annually;

B. Selecting One-Stop operators with the agreement of the CEOs, to include designation and certification, termination and decertification in accordance with terms of the contract or for cause;

C. Selecting eligible youth service providers based on the recommendations of the Youth Council, and;

D. Identifying eligible providers of adult and dislocated worker intensive services and training services, and maintaining a list of eligible providers with performance and cost information;

E. Identifying eligible providers of training services for inclusion on the statewide eligible provider list and identifying eligible providers of intensive services, to include intensive services for adult and dislocated worker. The WCCNM may provide these services by awarding contracts;

F. Program monitoring and oversight in partnership with the CEOs;

G. Developing a budget for the purpose of carrying out the duties of the WCCNM, subject to the approval of the CEOs;

H. Negotiating and reaching agreement on local performance measures with the CEOs and the State of New Mexico WIA Administrative Entity and instituting these performance measures to assess the effectiveness of all workforce investment activities;

I. Assisting the Governor in developing the statewide employment statistics system under the Wagner-Peyser Act;

J. Coordinating Workforce Development activities with economic development strategies and developing employer linkages;

K. Promoting private sector involvement in the Statewide Workforce Development system through effective connecting, brokering, and coaching activities through intermediaries, such as the One-Stop operator in the Local Area or through other organizations, to assist employers in meeting hiring needs;

L. The WCCNM, in cooperation with the CEOs, may recommend to the CEOs names of individuals to serve on the Youth Council;

M. Carrying out regional planning responsibilities required under WIA in the Local Area.

4.02 Conduct of Business.

A. The WCCNM will conduct business in an open manner as required by WIA by making available to the public, on a regular basis through open meetings, information about the activities of the WCCNM, including information about the local plan before submission of the Plan, and about membership, the designation and certification of One-Stop operators, and the awards of grants or contract to eligible providers of youth activities, and on request, minutes of

formal meetings of the WCCNM. Minutes are to be provided to the CEOs as required under the CEO Agreement.

B. The WCCNM will identify all other agencies involved with workforce development and develop linkages to ensure coordination and prevent duplication of services.

C. The WCCNM will administer local activities with funds set aside for administration as prescribed by law. The WCCNM may contract with any public or private entities as necessary to further the directives of WIA.

D. The WCCNM will enter into Memorandum of Understandings with the local One-Stop partners.

E. The WCCNM shall employ an administrative entity and fiscal agent to provide execution of the duties assigned through law or these bylaws, with approval of the CEOs.

F. The WCCNM will support the state Workforce Development Board through the collection and input of local employment statistics in support of a statewide employment statistics system;

G. The WCCNM will provide oversight and monitoring of all workforce related activities in the local area.

Article 5 – WCCNM Board

5.01 Appointment. The CEOs will appoint the WCCNM from the individuals nominated as required by the WIA.

5.02 Membership. The WCCNM consists of the following members:

A. **Business Members.** A majority of the members must consist of representatives from businesses in the Local Area. Business members will come from each county in the Local Area and reflect the employment opportunities of the Local Area. Business members should

have optimum policy-making or employment authority for the business organizations they represent. One business member will represent private-sector Economic Development.

B. **K-12 Education.** Two members must represent K-12 education in the Local Area. These members will represent local educational entities, including educational agencies, school boards and adult education and literacy.

C. **Post-Secondary, Vocational Education.** One member must represent post-secondary, vocational education in the Local Area. This member may also be counted as a representative of K-12 education if the individual satisfies the requirements of K-12 educational member.

D. **Labor.** Two members must represent the Central New Mexico Central Labor Council - AFL-CIO.

E. **Community-Based Organizations.** Two members must be representatives of community-based organizations from the Local Area. These community members are to have a strong ties to workforce development, serve a large portion of the Local Area and represent diverse aspects of the population.

F. **Economic Development.** One member must represent public sector economic development in the Local Area.

G. **One-Stop Partners.** One member must represent each One-Stop Partner. The One-Stop Partners include: New Mexico Department of Labor, New Mexico Department of Human Services, including (TANF), New Mexico Division of Vocational Rehabilitation, New Mexico Commission for the Blind, New Mexico Department of Education (Adult Basic Education or Literacy), New Mexico Older Workers, Native American Grants, Job Corps, United States Department of Housing and Urban Development (Employment and Training).

H. **CEO.** One CEO from the Local Area will represent the CEOs.

5.03 Diversity. In recommending or nominating to the Board, recommending bodies and all nominating committees must consider categorical representations, gender, ethnicity, and geographical representations.

5.04 Terms.

A. Each WCCNM member will serve a term of two years. A member may serve two consecutive terms.

B. Members will be appointed so as to assure that the WCCNM is staggered with one-half of the WCCNM, or as close thereto as possible, appointed annually.

5.05 Change of Status.

A. WCCNM members who experience a change of status as per the WIA (i.e.: employment or residency) must inform the chair of such change in status.

B. WCCNM members will certify annually that they fulfilled the requirements of the category they represent. The chair will develop a certification process.

C. In addition the WCCNM members shall be certified as eligible on an annual basis by the CEOs.

5.06 Removal.

A. WCCNM members shall serve at the pleasure of the CEOs.

B. A WCCNM member is automatically removed from the Board if such member does not meet the requirements of the particular membership category for which he or she was appointed. The chair shall inform the CEOs, the WCCNM and the individual in question that the individual has been removed from the Board.

C. Any member who misses three consecutive regular meetings of the WCCNM

may be removed by the CEOs. Any member who has been excused by the chair from attending the meeting will not be considered to have missed a meeting for purposes of this Bylaw.

5.07 Vacancy. An appointment to fill a vacant position on the WCCNM will be made by the CEOs. The new member will serve for remainder of the vacant term.

5.08 Quorum. The majority of the current WCCNM board membership constitutes a quorum for the transaction of business and a quorum must be maintained to conduct official business.

5.09 Voting. The affirmative vote of the majority of the WCCNM members present constitutes an official act of the WCCNM. Voting by proxy is not permitted.

Article 6 - Officers

6.01 Officers. The officers of the WCCNM include a Chair, a Chair-elect, a Secretary and a Treasurer. The office of Secretary is the Chief Officer of the Administrative Entity and Fiscal Agent.

6.02 Chair.

- A. The chair must be a business member.
- B. The chair has the authority to:
 - (i) Preside at all meetings;
 - (ii) Appoint members to all committees and task forces;
 - (iii) Appoint chairs of all committees and task forces;
 - (iv) Preserve order and decorum;
 - (v) Review the proposed agenda;
 - (vi) Decide all questions of order, subject to member's right to appeal to the board and/or committee as a whole;

- (vii) Speak to points of order in preference to other members;
- (viii) Speak on general questions from the chair;
- (ix) Announce the result promptly on the completion of every vote;
- (x) Sign all resolutions and other formal written actions passed; and
- (xi) Impose at his or her discretion, a time limit on presentations made at meetings.

6.03 Chair-Elect. The chair-elect must be a business member. The chair-elect will perform the duties of the chair in the absence of the chair and all other duties assigned by the chair. The chair-elect will assume the position of chair at the end of the chair's term.

6.04 Secretary. The secretary of the Board will be the chief officer of the WCCNM's administrative entity and fiscal agent. The Secretary shall ensure that the minutes of all meetings are recorded and that all books and records are maintained and perform all the duties incident to those of a secretary of a private corporation. The Secretary is not a voting member of the WCCNM Board.

6.05 Treasurer. The treasurer must be a member of the WCCNM and is responsible for reviewing financial management, budget, accounting, auditing relating to WCCNM.

6.06 Term. All elected officers will serve a term of one year. Elected officers may only serve two consecutive terms in the same position.

6.07 Removal. An elected officer will be removed if he or she no longer meets the requirement of the elected position, and may be removed by the WCCNM for malfeasance in office, neglect of duties, or for cause.

6.08 Vacancy. The WCCNM will fill any elected officer vacant position and the individual elected will serve the balance of the term of the former officer.

Article 7 - Meetings

7.01 Regular Meetings. The WCCNM will meet at least once each quarter at a time and location to be determined at the prior meeting.

7.02 Special Meeting. The chair may call a special meeting at a time and place to be determined in the call of the meeting.

7.03 Emergency Meeting. The chair has sole discretion of calling an emergency meeting.

7.04 Time and Place. All meetings will be held in the Local Area at a place, time and date determined by the Chair.

7.05 Open Meeting Requirements. All WCCNM meetings will be in compliance with the New Mexico Open Meetings Act.

7.06 Notice. Once a meeting date, time and location of a meeting have been determined, the secretary will send the WCCNM members notice of such meeting at least five days before a regular meeting, three days before a special meeting and twenty-four hours before an emergency meeting.

7.07 Electronic or Telephonic Notification. Any combination of telephone calls, e-mail notices or facsimile correspondence may be used to notify each member of a meeting.

7.08 Minutes. The secretary will record the minutes of the proceedings for each WCCNM meeting. Those minutes will be in accordance with the Open Meetings Act. Minutes will document both attendance and official action taken by the WCCNM. The secretary will prepare and distribute draft minutes to each member no later than seven days before regular meetings and three days before special meetings. Prior to the next scheduled regular or special meeting, the minutes and agenda, as well as supporting and informational material of any meeting will be provided to New Mexico Department of Labor for posting on its web site.

Article 8 - Committees

8.01 Standing Committees. Standing committees of the WCCNM include an Executive Committee, a Business Outreach Committee, a Training/Service Provider Committee, and a Performance and Monitoring Committee.

8.02 Executive Committee.

A. The Executive Committee will consist of twelve members as follows:

- 1) WCCNM Chair
- 2) WCCNM Chair-elect
- 3) WCCNM Treasurer
- 4) WCCNM Standing Committee Chairs (3)
- 5) WCCNM CEO Representative
- 6) One WCCNM member from Bernalillo County to be elected by members of Bernalillo County
- 7) One WCCNM member from Sandoval County to be elected by members of Sandoval County
- 8) One WCCNM member from Valencia County to be elected by members of Valencia County
- 9) One WCCNM member from Tarrant County to be elected by members of Tarrant County
- 10) Youth Council Representative (non-voting member, not counted in quorum)

B. **Chair.** The chair of the WCCNM will serve as the chair of the Executive Committee.

C. The Executive Committee has the authority to act on behalf of the WCCNM on issues that cannot be deferred to the next WCCNM meeting. The Executive Committee will serve as the Board of Finance for the WCCNM, acting on all financial matters including the budget, lease and contracts.

8.03 Training/Service Provider Committee

A. The Training/Service Provider Committee will include no fewer than nine members appointed by the chair from the WCCNM.

B. The Training/Service Provider Committee will review and make recommendations to the Executive Committee on matters related to WCCNM's Training/Service Provider Program.

8.04 Performance and Monitoring Committee.

A. The Performance and Monitoring Committee will include no fewer than nine members appointed by the chair from the WCCNM.

B. The Performance and Monitoring Committee will develop performance standards for each program, monitor their progress, and provide oversight to the tracking data collection systems.

C. The Performance and Monitoring Committee will make its recommendations to the Executive Committee.

8.05 Business Outreach Committee.

A. The Business Outreach Committee will consist of no fewer than nine members appointed by the chair from the WCCNM.

B. The Business Outreach Committee will survey employer needs within the region to identify employee retention, training and recruitment issues, and develop linkages with employers and WCCNM partner resources.

8.06 Ad Hoc Committees. The chair may establish ad hoc committees as the chair deems necessary or convenient to conduct WCCNM business. When establishing an ad hoc committee, the chair will indicate the purpose of the committee and the date it will disband.

8.07 Task Forces. The chair of the WCCNM may appoint one or more task forces from the membership of the WCCNM. Task forces may only make recommendations to the WCCNM and may not act on any policy issues.

8.08 Chair. The chair of the WCCNM will appoint the chair of any committee or task force.

8.09 Meetings. Committees will meet at the time and place within the Local Area as determined by the chair of the committee. All meetings of the Executive Committee must comply with the Open Meetings Act.

8.10 Minutes. All committees will keep minutes of their meetings and a summary of such minutes will be made available to the WCCNM and reported to the WCCNM.

8.11 Quorum. A majority of the members of a committee constitute a quorum for the transaction of any business.

8.12 Voting. An affirmative vote of a majority of those committee members present at a meeting constitutes action by that committee. Voting by proxy is not permitted.

8.13 Notice. The chair of a committee will give each member at least twenty-four hours notice of any committee meeting. Notice may be written by mail, e-mail, or facsimile.

Article 9 - Youth Council

9.01 Youth Council. The CEOs will appoint a Youth Council for the Local Area (“Youth Council”). The Youth Council will be established as a subgroup of the WCCNM. The WCCNM, in cooperation with the CEOs, may recommend to the CEOs names of individuals to serve on the Youth Council.

9.02 Officers. The Youth Council shall have a Chair and Vice-Chair selected by the members of the Youth Council. The office of Secretary is the Workforce Administrator of the Administrative Entity and Fiscal Agent.

9.03 Membership. The membership of the Youth Council will include thirteen members: (i) three members of the WCCNM; (ii) two representatives of the youth services agencies including juvenile justice and local law enforcement agencies; (iii) two representatives of local

public housing authority; (iv) two parents of eligible youth seeking assistance under the WIA; (v) two individuals, including former participants, and representatives of organizations that have experience relating to youth activities and (vi) two representatives of the Job Corps.

9.04 Relationship to the WCCNM. Members of the Youth Council who are not WCCNM members will be voting members of the Youth Council and nonvoting members of the WCCNM.

9.05 Duties. The duties of the Youth Council include the following: (a) developing portions of the local plan relating to eligible youth, as determined by the WCCNM Chair; (b) recommending eligible providers of youth activities to the WCCNM to be awarded grants or contracts on a comprehensive basis by the WCCNM to carry out youth activities in the Local Area; (c) conducting oversight with respect to such youth service providers awarded grants or contracts by the WCCNM; (d) coordinating youth activities authorized in the Local Area; and (e) other duties determined to be appropriate by the WCCNM chair.

Article 10 - Policies and Procedures

The WCCNM shall promulgate policies and procedures that will be followed in conducting its business.

Article 11- Code of Conduct

The WCCNM shall promulgate a policy concerning Code of Conduct with respect to the WCCNM, officers and the Youth Council. At a minimum, such policy must provide for conflict of interest, prevention of fraud and abuse, nepotism, prohibited political activities and other related code of conduct issues. The code of conduct shall strive to instill the highest standards of honesty and integrity in handling federal monies with the objective of insuring the

highest level of services to clients of the program and proper expenditure of funds pursuant to the Acts, all regulations promulgated thereunder, and all other applicable laws or regulations. Furthermore, for purposes of this policy all officers and chairpersons of committees shall not have any contractual relationship with the WCCNM. The WCCNM shall not enter into any procurement contract for services, construction or items of personal tangible property with a Board member or with a business in which the Board member has an interest unless the Board member has disclosed their interest and unless the contract is awarded in accordance with the competitive bidding or proposal provisions of the Procurement Code and WCCNM policy. Any contract awarded to any WCCNM member must be approved by the CEOs.

Article 12 - Amendment of Bylaws

These Bylaws may be amended or repealed by a two-thirds vote of the WCCNM after notification of such amendments to the full WCCNM membership in compliance with Article 7, Meetings, of these Bylaws.

PASSED, APPROVED, and ADOPTED by the governing body of the WCCNM this 17th day of November, 2003.

M. Steven Anaya, WCCNM Chair

ATTEST:

Secretary

<u>Workforce Connection of Central New Mexico Policy and Procedure Manual</u>	Code of Conduct Policy WFCP-05-03
EFFECTIVE DATE: September 8, 2003	DATE OF ISSUE: September 8, 2003 REVISION DATE:

BACKGROUND:

Workforce Connection of Central New Mexico (WCCNM) must assure and certify that in administering programs under federal and state law, it will fully comply with the Workforce Investment Act of 1998, the Wagner-Peyser Act of 1933, all regulations promulgated there under, and all other applicable laws or regulations. The federal and state regulations, specifically in the areas of financial management and procurement, set forth high standards to be met as detailed in SIN 39-00 "WIA Procurement Activities Guidelines" and Issuance 11.2.10 "Financial Management Guide" in the use of WIA funds.

POLICY:

A. Prevention of Fraud and Abuse. Fraud, under this policy, refers to the intentional misrepresentation or distortion of factual data or other information in order to obtain an illicit benefit and/or to attempt to conceal such illegal activity. Abuse, under this policy, refers to the intentional misuse of program funds and services.

- 1) The WCCNM, its agents and contractors shall establish, maintain, and use internal management procedures for activities funded in whole or in part under the WIA program.
- 2) In addition to the requirements imposed elsewhere in this policy, the WCCNM, its agents and contractors shall insure that sufficient, auditable and otherwise adequate records be maintained to support the expenditures of all funds received through the WIA program. Such records shall be sufficient to allow the United States Department of Labor (USDOL), the New Mexico Department of Labor (also known as the State Administrative Entity or SAE) and WCCNM, its agents to audit and monitor the WCCNM, its agents and contractors, and shall include the maintenance of financial and participant data systems in accordance with WIA and applicable federal, state and WCCNM regulations attendant to procurement, audit record keeping, reporting and related requirements.
- 3) The WCCNM, its agents and contractors shall establish and conduct its own monitoring and control systems sufficient to insure compliance with the Act, applicable federal, state and WCCNM laws, regulations, policies and procedures pertaining to financial and participant records management, procurement and reporting requirements.

- 4) The USDOL, SAE or WCCNM will periodically monitor the WCCNM, its agents and contractors activities. Monitoring activities may include management (data) and on-site reviews of all program activities. The USDOL, SAE or WCCNM reserves the right to request and review all pertinent records/data, observe program activities, interview WCCNM board members, its agents and contractors staff, program participants, review training and worksites, and conduct related monitoring functions to ensure compliance with all subgrant provisions and program requirements.
- 5) The WCCNM, its agents and contractors shall notify the SAE and the WCCNM in writing of any suspected fraud, abuse, and/or misapplication of WIA funds upon discovery of such.

B. Conflict of Interest. For the purpose of this subsection, a Conflict of Interest refers to the act of an individual person (employed or funded through WIA funds or serving on a WIA board) exercising personal pecuniary interest into decisions relating to policy, agreements, contracts, or subgrants in which that individual, a business associate, family member or other personal acquaintance will financially benefit or which has the appearance or perception of a conflict of interest.

- 1) The WCCNM, its agents and contractors shall assure that organizational conflict of interest and/or the appearance of a conflict of interest shall not occur in awarding financial assistance and in the conduct of any procurement activities under this agreement.
- 2) Employees of the WCCNM, its agents and contractors, members of the entity's governing board or body, or any person exercising any function or responsibility in the review or approval of the implementation or carrying out of this WIA program, shall not participate in any decision relating to the action which affects their personal pecuniary interest, or the a pecuniary interest of a business associate or other personal acquaintance.
- 3) The WCCNM, its agents and contractors shall assure that funds received under the WIA program shall not be used for hiring/paying any nongovernmental individual, institution or organization to conduct an evaluation of any program under the program if such individual, institution, or organization is associated with that program as a consultant or technical advisor.
- 4) The WCCNM, its agents and contractors agree that they or its employees or officers has a financial interest and shall not acquire any interest, direct or indirect, that might conflict in any manner or degree with the performance of any activities/functions required under the WIA program. The WCCNM, its agents and contractors also agree that in such performance under the WIA program, no person having such interest shall be employed. The WCCNM, its

agents and contractors shall establish safeguards to prevent its officers, staff members, subcontractors, or employees from using their positions for purposes that appear to be motivated by desire for private gain for themselves or others, particularly those with whom they have family, business or other ties. The WCCNM, its agents and contractors shall assure its entire staff and other subcontractors comply with this section as a condition of being a WIA official or contractor.

- 5) **Officers and Chairpersons of Committees.** For purposes of this policy all officers and chairpersons of committees shall not have any contractual relationship with the WCCNM. The WCCNM shall not enter into any procurement contract for services, construction or items of personal tangible property with a Board member or with a business in which the Board member has an interest unless the Board member has disclosed their interest and unless the contract is awarded in accordance with the competitive bidding or proposal provisions of the Procurement Code and WCCNM policy.
- 6) Should a conflict of interest or potential conflict of interest arise, the WCCNM Board member, staff or other individual shall notify the WCCNM Board at its next regular board meeting. The board shall adopt a written procedure to deal with such matters.

C. **Nepotism.** For purposes of this policy, Nepotism refers to the bestowing of special favors or showing of favoritism to a relative (wife, father, husband, mother, son, daughter, grandparent, brother, sister, aunt, uncle, niece, nephew, step child and in-law) by providing benefits or giving an appointive position on the basis of such relationship. The WCCNM, its agents and contractors assures that it will adhere to applicable funding authority rules or policies prohibiting nepotism or appearance of nepotism in the awarding of WIA funds, and in its sub-granting or contracting practices.

D. **Child Labor.** The WCCNM, its agents and contractors shall comply with applicable federal, state and local Child Labor laws.

E. **Bribes, Gratuities, and Kickbacks.** Officials, employees, or agents of the WCCNM and contractors are prohibited from soliciting or accepting gratuities, favors, or anything of monetary value from any actual or potential recipient or supplier. The state Procurement Code, Sections 13-1-28 through 13-1-199 NMSA 1978, imposes civil and misdemeanor criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for bribes, gratuities and kick-backs.

F. **Political Activity.** The conduct of an activity for any political reason while an individual is employed by or is participating in WIA program, and the selection or reward for political service or patronage that is partisan or nonpartisan in nature is prohibited by this policy. The WCCNM, its agents and contractors shall comply with all prohibitions on political activity as specified under 5 USC 15 (referred to as the Hatch Act), and any applicable SAE and WCCNM policies.

- 1) The practice of selecting or advancing employees as a reward for political service or patronage, or advancing/selecting in employment based on a person's political affiliation or beliefs is discriminatory and is prohibited. This prohibition also applies to the selection and referral of WIA applicants and participants for employment and training activities or services. This prohibition is extended but not limited to the following situations:
 - a) Participant or employee participation in partisan or nonpartisan political activities during work hours;
 - b) Participant or employee participation in partisan or nonpartisan political activities in which such participant or employee represents himself/herself as a spokesperson for a WIA program;
 - c) Employing or outstationing participants in offices of political officials including the offices of Congresspersons, state legislators, legislative committees or staffs for the purpose of conducting political activities including campaigning on behalf of such officials; and
 - d) Employing or outstationing participant(s) in the offices of any elected executive officers, chief elected officers, or officers of a state or unit of general local government, for the purpose of conducting political activities including campaigning on behalf of such officials.
- 2) Officers, board members or personnel employed in the administration of a WIA funded program shall not engage, in any manner, in the conduct of any political activities prohibited under the Hatch Act, nor shall WIA funds be used for such purposes.
- 3) Funds provided under the WIA shall not be used to attempt to influence in any manner, a member of Congress to favor or oppose any legislation or appropriation by Congress, or for lobbying with a state or local legislature. The WCCNM, its agents and contractors must provide to the NMDOL SAE, or applicable funding authority, a USDOL Lobbying Disclosure Certification.

G. Unionization/Anti-Unionization Activities. The WCCNM, its agents and contractors is prohibited from any promotion of, or involvement in, unionization or anti-unionization activities. Specifically:

- 1) Funds administered under the WIA program may not be used in any way to either promote or oppose unionization;
- 2) Individuals will not be required to join/become members of a union as a condition for enrollment in a program funded under the WIA program; and

- 3) Participants may not be placed or remain working in any position affected in labor disputes involving a work stoppage.

H. **Criminal Provision.** This provision pertains to the theft, embezzlement from WIA funds, improper inducement and obstruction of investigations. The WCCNM, its agents and contractors shall be aware of and held accountable for complying with the criminal provisions of Section 665 of Title 18 USC as amended, and any applicable state statutes.

PROCEDURE:

In accordance with Section B.6., should a conflict of interest or potential conflict of interest arise, the WCCNM Board member, staff or other individual shall notify the WCCNM Board at its next regular board meeting. The procedure to deal with a conflict of interest or potential conflict of interest, should one arise, shall be as follows:

- A. Each new and existing WCCNM board member completes a Conflict of Interest questionnaire and returns that to staff.
- B. In the event of a conflict or perceived conflict, the WCCNM Board member, staff or other individual shall notify the WCCNM Board at its next regular board meeting;
- C. the Executive Committee shall serve as the Conflict of Interest committee and may further:
 - 1) instruct a member not to vote on a matter if there is a perceived conflict of interest
 - 2) develop a written admonishment to a member in the case of a conflict of interest and/or
 - 3) recommend to the full Board removal of a member in the event of a conflict of interest.
- D. If the Executive Committee, acting as the Conflict of Interest Committee, determines from a questionnaire that a conflict exists, the Executive Committee shall inform the Board member who shall then comply with this procedure.
- E. A WCCNM Board member or other individual may also resign on his own accord before any notice or action is taken by Executive Committee.

APPLICABILITY: WCCNM Board, officers and staff.

INQUIRIES: WIA Administrator 505-247-1750

Attachment 5.
**WORKFORCE CONNECTION OF NEW MEXICO
CONFLICT OF INTEREST QUESTIONNAIRE**

This questionnaire must be completed by all members of the WCCNM Board, Youth Council, and WCCNM contractors.

Please answer all questions. If the answer is “yes”, please explain. An affirmative response does not necessarily imply that the relationship is improper or that it should be terminated.

1. Have you had any material interest, direct or indirect in any transaction in the prior year to which WCCNM was, or will be, a party?
YES NO
If yes, describe the interest.

2. Do you have any material interest, direct or indirect, in any pending or incomplete transaction to which WCCNM is, or will be, a party?
YES NO
If yes, describe the interest.

3. Will any business associate, family member, or other personal acquaintance financially benefit from any transaction with, or decision of, WCCNM in which you are involved?
YES NO
If yes, indicate the person, his or her relationship to you and that person’s interest.

Printed Name:

Signature:

Date:

Following submission of this questionnaire to the WIA Administrator, the MRCOG, in consultation with WCCNM Board, will determine whether a conflict of interest exists for a particular member. A determination will be made as to whether the member has an improper relationship. If an improper relationship exists, the WCCNM Board will determine recourse on a case-by-case basis.

Attachment 6.

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For a copy of Youth Council Functions, contact WCCNM at 505-247-1750

Attachment 7.
WCCNM
YOUTH COUNCIL MEMBERSHIP

Membership

Members Name

WCCNM Board members with special interest
In youth policy

Mary Lee Martin

John Sapien

Bob Davey

Youth Service Representatives:
Juvenile Justice-

Dr. Suzan Brower

Local Law Enforcement Agencies-

John Dantis

Local and Public Housing Authority Representatives

Maria Rinaldi

Helen Lopez

Parents of Eligible Youth

Nancy Greene

Robin Jordan

Former participants/representatives that have
experience dealing with youth activities

Marty Mondragon

Karen Couch

Job Corps Representatives

Gwen Manfre

Dr. Emily Salazar

Other

Tom Savage

Attachment 8.

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For a copy of Professional Services Agreement: WCCNM and Mid-Region Council of Governments, contact WCCNM at 505-247-1750

<u>Workforce Connection of Central New Mexico Policy and Procedure Manual</u>	WIA Participant Notification of Civil Rights and Complaint/Grievance
EFFECTIVE DATE:	DATE OF ISSUE: November 19, 2004 REVISION DATE:

BACKGROUND:

No one enrolled in the Workforce Investment Act (WIA) program will be discriminated against because of race, color, religion, gender or sexual preference, national origin, age, handicap (disability,) political affiliation or belief; reprisal for filing a grievance, testifying or agreeing to testify in any investigation or proceeding related to the WIA; or denying benefits to any individual to which that individual is entitled.

POLICY:

WIA participants shall be informed of their CIVIL RIGHTS and COMPLAINT AND GRIEVANCE PROCEDURES (Attached) as prescribed by Federal law, and provided the following information:

No one enrolled in the Workforce Investment Act (WIA) program will be discriminated against because of race, color, religion, gender or sexual preference, national origin, age, handicap (disability,) political affiliation or belief; reprisal for filing a grievance, testifying or agreeing to testify in any investigation or proceeding related to the WIA; or denying benefits to any individual to which that individual is entitled. This means:

- that no benefits or services may be denied you for *any* of the above reasons;
- that you may not be segregated or treated any differently from other participants while you are being registered, interviewed, counseled, or tested; or while you are working or attending classes as part of the project; and,
- that you must be provided an equal opportunity to use all facilities available on the project.

If you feel you have been discriminated against for any of the above reasons or denied equal opportunity, you should seek resolution by talking to your local worksite supervisor and/or the WIA Service Provider staff. If you feel the matter has not been resolved, you may write to the Equal Opportunity Officer, Adrienne Smith, WIA Administrator, Workforce Connection of Central New Mexico, 317 Commercial NE, Albuquerque, NM 87102 or request a copy of the Service Provider's Equal Opportunity (EO) Complaint and Grievance Procedures.

The Age Discrimination Act of 1975, the American with Disabilities Act of 1990, the Rehabilitation Act of 1973, the Civil Rights Act of 1964, and certain amendments to Education Acts (Carl Perkins, Adult, Higher Education, etc.), all as amended, guarantee you the right to make a complaint. You cannot in any way be penalized for talking to your employer, writing to the Equal Opportunity Officer, or filing a written complaint/grievance per available procedures. Pursuant to Federal law, the filing of a formal written Equal Opportunity (EO) or Handicap (Disability) discrimination complaint must be made within 180 days of the alleged occurrence, with the exception of complaints alleging fraud or criminal activity. All complaints will be handled CONFIDENTIALLY.

APPLICABILITY:

Service providers contracting with WCCNM to provide WIA services.

INQUIRIES:

WIA Manager 505-247-1750

**WIA Participant Notification of Civil Rights
and
Complaint/ Grievance Resolution Procedures**

The following will inform you of your Civil Rights and Complaint and Grievance Procedures as prescribed by FEDERAL LAW:

In accordance with applicable Federal law and regulations, no one enrolled in the Workforce Investment Act (WIA) shall be discriminated against because of race, color, religion, sex or sexual preference, national origin, age, handicap (disability), political affiliation or belief, reprisal for filing a grievance, testifying or agreeing to testify in any investigation or proceeding related to the WIA; or denying benefits to any individual to which that individual is entitled.

This means:

- that no benefits or services may be denied you for any of the above reasons:
- that you may not be segregated or treated any differently from other participants while you are being registered, interviewed, counseled, or tested; or while you are working or attending classes as part of the project; and
- that you must be provided an equal opportunity to use all facilities available on the project.

If you feel you have been discriminated against for any of the above reasons or denied Equal Opportunity, you should seek resolution by talking to your local worksite supervisor and/or the WIA, One-Stop Career Center staff. If you feel the matter has not been resolved, you may write to the Equal Opportunity Officer, Workforce Connection of Central New Mexico, C/O Adrienne Smith, 317 Commercial NE, Suite 104, Albuquerque, N.M. 87102 or request a copy of the Service Provider's Equal Opportunity (EO) Complaint and Non-EO, Non-Criminal Grievance Procedures.

The Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973, the Civil Rights Act of 1964, and certain amendments to Education Acts (Carl Perkins, Adult, Higher Education, etc.) all as amended, guarantee you the right to make a complaint. You cannot in any way be penalized for talking to your employer, writing to the Equal Opportunity Officer, or filing a written complaint/grievance per available procedures. Pursuant to Federal Law the filing of a formal written Equal Opportunity (EO) or Handicap (Disability) Discrimination complaint must be made within 180 days of the alleged occurrence, with the exception of complaints alleging fraud or criminal activity. All complaints will be handled CONFIDENTIALLY.

I, _____, a WIA participant, have received orientation on my Civil Rights and the Participant's Complaint and Grievance Procedure.

Participant Signature

Date

Attachment 10.

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For a copy of the PY04 budget, contact WCCNM at 505-247-1750

<u>Workforce Connection of Central New Mexico Policy and Procedure Manual</u>	Disability-Related Non- Discrimination Policy for AE/FA
EFFECTIVE DATE:	DATE OF ISSUE: November 19, 2004 REVISION DATE:

POLICY:

The Workforce Connection of Central New Mexico (WCCNM) Workforce Investment Board as a recipient of Workforce Investment Act (WIA) funding does not discriminate based on disability under Section 188 of Workforce Investment Act (WIA) (29 CFR Part 37), Title I and II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973, as amended.

WCCNM complies with these laws and regulations and takes appropriate steps, including assuring fully integrated services, non-discriminatory service criteria, provision of reasonable accommodations and effective communication, and effective service outreach to persons with disabilities, to ensure that it is providing universal access for people with disabilities to its WIA Title I-financially assisted programs and activities.

WCCNM does not deny a qualified individual with a disability the opportunity to fully participate as a member of the WCCNM Board, including the participation in planning or advisory committees/boards; or otherwise limit enjoyment of any right, privilege, advantage, or opportunity enjoyed by WCCNM board members without disabilities.

APPLICABILITY:

Staff and Board

INQUIRIES:

WIA Administrator 505-247-1750

<u>Workforce Connection of Central New Mexico Policy and Procedure Manual</u>	Service Provider Assurance as a Subrecipient
EFFECTIVE DATE:	DATE OF ISSUE: November 19, 2004 REVISION DATE:

BACKGROUND:

WCCNM monitors selected service providers' activities, and the activities of all the entities that receive WIA Title I financial assistance from the WCCNM, to make sure that its subrecipients are not violating their nondiscrimination and equal opportunity obligations [29 CFR 37.25(b); see also 37.7(e)].

POLICY:

In accordance with the Disability-Related Non-Discrimination Policy, WCCNM does not use criteria that subject qualified persons with disabilities to discrimination. As for contracted service providers, WCCNM will monitor and investigate the service providers' activities, and the activities of all the entities that receive WIA Title I financial assistance from the WCCNM, to make sure that its sub recipients are not violating their nondiscrimination and equal opportunity obligations [29 CFR 37.25(b); see also 37.7(e)].

- a. Service providers shall comply with the WCCNM's non-discriminatory notice. The WCCNM's non-discriminatory notice will be available to all qualified individuals with disabilities who are applicants, registrants or participants who are considered for the aid, benefits, services, training, or employment. The service provider contractors must:
 - i. Post the non-discriminatory notice prominently in reasonable places where it will be available to qualified individuals with disabilities who are applicants, registrants, or participants.
 - ii. Disseminate in internal communications about the non-discriminatory notice.
 - iii. Explain and give to qualified individuals with disabilities the non-discriminatory notice with grievance procedures during orientation where it can be read and signed by the customer.
 - iv. Include the non-discriminatory notice in internal and external handbooks and manuals.
 - v. Make the non-discriminatory notice available to each qualified individual with disabilities and make it part of each customer's file.

- vi. Make the non-discriminatory notice available in alternative formats, for example, audio tape, Braille, large print, etc. for people with disabilities who have effective communication access needs.
- b. Contracting service providers shall have a general nondiscriminatory policy in services and employment similar to that of the WCCNM.
- c. To assure that no disability related discrimination occurs through contract, WCCNM requires all contracting service providers to have the following non-discrimination practices, policies, and procedures in place at the time of contract. Contracting service providers shall have and shall adhere to disability related service policies and practices that will:
 - i. Anticipate the universal access needs of people with various disabilities and will provide program access of its aids, services, benefits, and training in the most integrated setting, including providing full architectural access in all of its present or future facilities.
 - ii. Not provide different, segregated, or separate opportunity to individuals with disabilities or any class of individuals with disabilities, unless such action is absolutely necessary to provide qualified individuals with disabilities with an opportunity that is as effective as that provided to others.
 - iii. Not deny a qualified individual with a disability the opportunity to participate in WIA Title I financially assisted programs or activities despite the existence of permissibly separate or different programs or activities.
 - iv. Not impose or apply eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any aid, benefit, service, training, program, or activity unless such criteria can be shown to be necessary for the provision of the aid, benefit, service, training, program or activity being offered.
- d. Service Providers contracting with WCCNM shall have in place and shall adhere to the following practices concerning:
 - i. The requirements regarding the inquiry of the presence of disability with applicants, registrants, or participants.
 - 1. Confidentiality of the information obtained must be assured.
 - 2. Inquiries will only be made for the following purposes:
 - a. Reporting nondiscriminatory compliance to the USDOL Civil Rights Center and the WCCNM.

- b. Enacting the reasonable accommodation process for qualified individuals with disabilities who are applicants, registrants, participants.
- ii. The provision of Reasonable Accommodations³ for qualified individuals with disabilities must be made to create equal opportunity of participation, unless providing the accommodation would cause undue hardship.
 - 1. Reasonable accommodations must be made for qualified applicants, registrants, participants to ensure the opportunity of equal participation of aids, benefits, training, and services.
 - 2. Reasonable accommodations must be made for qualified service provider employees or applicants for employment, to assure equal employment opportunity.
 - 3. Reasonable accommodation policies and procedures must contain a reasonable and efficient process from the initial request to provision of the reasonable accommodation.
 - 4. The policy may contain a provision where, if needed for the provision of reasonable accommodation, the requirement of requesting proof of a Section 188 disability from the applicants, registrants, participants, or employees or employee applicants.
- iii. The requirement of making reasonable modifications for qualified individuals with disabilities who are applicants, registrants, participants, in existing policies, practices, or procedures when the modifications are necessary to avoid discrimination;
 - 1. Unless making modifications would fundamentally alter the nature of the service, program, or activity. The service provider must consider and make any other modification that would not result in a fundamental alteration that would create maximum access for the person with a disability to the services and programs.

³ The term “reasonable accommodation” means modifications or adjustments to an application/registration or employment process that enables a qualified individual with a disability to be considered for the aid, benefits, services, training, or employment; modifications or adjustments that enable a qualified individual with a disability to receive aid, benefits, services, or training or employment opportunities equal to that provided to non-disabled individuals or to perform the essential functions of a job; or modifications or adjustments that enable a qualified individual with a disability to enjoy the same benefits and privileges as are enjoyed by other similarly situated individuals without disabilities.

2. This includes the periodic examination of existing policies and practices that are formally written as well as the “unwritten” operational practices for intentional and unintentional discriminatory effects of customers with various disabilities.
- iv. Effective communication with beneficiaries, registrants, applicants, participants, and members of the public who are individuals with disabilities is as effective as with those without disabilities.
1. The policy should include the procedures for furnishing appropriate auxiliary aids and services where necessary unless it would result in a fundamental alteration in the nature of a service, program, or activity. The service provider must consider and take any other actions that would not result in a fundamental alteration that would create maximum access for the person with a disability to the services and programs.
 2. The method or device desired by the individuals with disabilities who are applicants, registrants or participants and members of the public who are individuals with disabilities should be given primary consideration. The service provider can choose the final means of auxiliary aids and services as long as it results in effective communication.
 3. Auxiliary aids and services can include (not exclusive list) the provision of qualified interpreters, assistive listening headsets, closed and open captioning on videos, telecommunications devices for deaf persons (TDDs and TTYs), computers that allow voice input and output, readers, taped texts, Brailled materials, videotext displays, and transcription services.
- v. The inclusion of outreach to potential customers with disabilities should be in the existing Marketing and Outreach policies and procedures. Practices should include:
1. Mentioning of serving people with disabilities in general marketing and recruiting materials.
 2. Information that the service provider is an equal opportunity employer, which includes hiring people with disabilities.
 3. Positive images of people with disabilities.
 4. Outreach to community and government service agencies that serve and/or advocate for/with people with disabilities.

- vi. The practice of assuring initial and ongoing disability civil rights related training to all staff.
- vii. A component of the service provider's Emergency Evaluation Policies that include procedures that addresses the needs of people with disabilities including mechanisms of alert for people who are deaf or hard of hearing and for people with mobility impairments.
- viii. Undue Financial and administrative burden claims (in complying with Section 188 of Workforce Investment Act (WIA) (29 CFR Part 37), Title I and II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973, as amended) should have the following procedures (per federal regulations):
 - 1. Direct service staff cannot decide that an action, which would allow program access by a person with a disability, is unfeasible. The decision must be made by a member of senior management and the service provider contractor must determine the appropriate official to make such decisions (the Center Director, Chair of the Local Workforce Investment Board, state oversight officials, etc.) and must communicate this determination to all staff.
 - 2. The determination that undue financial burden would result must be based on all resources available for use in the operation of the contractor keeping in mind that it is likely that in making this determination, arbitrators and courts may consider the resources of the state's entire workforce development system, not just the funding available to an individual Contractor.
 - 3. If it is determined that an action would result in undue hardship, this decision must be given in writing to the individual or individuals who requested the accommodation. This statement must include the reasons that the accommodation would result in an undue hardship.
 - 4. The service provider must consider and take any other actions that would not result in undue hardship, but which would allow maximum access for the person with a disability to the services and programs of the contractor.

APPLICABILITY:

Service providers contracting with WCCNM to provide WIA services.

INQUIRIES:

WIA Administrator 505-247-1750

<u>Workforce Connection of Central New Mexico Policy and Procedure Manual</u>	Policy on Reasonable Accommodation
EFFECTIVE DATE:	DATE OF ISSUE: November 19, 2004 REVISION DATE:

BACKGROUND:

The term “reasonable accommodation” means modifications or adjustments to an application/registration or employment process that enables a qualified individual with a disability to be considered for the aid, benefits, services, training, or employment; modifications or adjustments that enable a qualified individual with a disability to receive aid, benefits, services, or training or employment opportunities equal to that provided to non-disabled individuals or to perform the essential functions of a job; or modifications or adjustments that enable a qualified individual with a disability to enjoy the same benefits and privileges as are enjoyed by other similarly situated individuals without disabilities.

POLICY:

The provision of Reasonable Accommodations for qualified individuals with disabilities shall be made to create equal opportunity of participation, unless providing the accommodation would cause undue hardship. Reasonable accommodations shall be made for:

- qualified applicants, registrants, participants to ensure the opportunity of equal participation of aids, benefits, training, and services.
- service provider employees or applicants for employment, to assure equal employment opportunity.

Reasonable accommodation policies and procedures at the service provider level shall contain a reasonable and efficient process from the initial request to provision of the reasonable accommodation. The policy may contain a provision where, if needed for the provision of reasonable accommodation, the requirement of requesting proof of a Section 188 disability from the applicants, registrants, participants, or employees or employee applicants.

The service provider shall consider and make any other modification that would not result in a fundamental alteration that would create maximum access for the person with a disability to the services and programs, including the periodic examination of existing policies and practices that are formally written as well as the “unwritten” operational practices for intentional and unintentional discriminatory effects of customers with various disabilities.

APPLICABILITY:

WCCNM staff and service providers contracting with WCCNM to provide WIA services.

INQUIRIES:

WIA Administrator 505-247-1750

<u>Workforce Connection of Central New Mexico Policy and Procedure Manual</u>	Policy on Undue Financial and Administrative Burden
EFFECTIVE DATE:	DATE OF ISSUE: November 19, 2004 REVISION DATE:

BACKGROUND:

There may be an instance(s) in which staff decide that an action, which would allow program access by a person with a disability, is unfeasible. The decision must be made by a member of senior management and the service provider contractor must determine the appropriate official to make such decisions (the Center Director, Chair of WCCNM) and must communicate this determination to all staff.

POLICY:

If an Undue Financial or Administrative Burden claim (in complying with Section 188 of Workforce Investment Act (WIA) (29 CFR Part 37), Title I and II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973, as amended) is initiated, it shall contain the following per federal regulations:

- the determination shall indicate that undue financial or administrative burden would result must be based on resources available for use in the operation of the contractor keeping in mind that it is likely that in making this determination, arbitrators and courts may consider the resources of the state's entire workforce development system, not just the funding available to an individual service provider.
- the determination must be given in writing to the individual or individuals who requested the accommodation and include the reasons that the accommodation would result in an undue hardship.
- WCCNM or the service provider must consider and take any other actions that would not result in undue hardship, but which would allow maximum access for the person with a disability to the services and programs of the contractor.

APPLICABILITY:

WCCNM staff and service providers contracting with WCCNM to provide WIA services.

INQUIRIES:

WIA Administrator 505-247-1750